IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25898 of 1997

Between:

Gupta Khandasari Sugar Mill rep.by prop. Sri T.Venkatesam.
Nizamabad District. Factory at Jangaon Village,

..... PETITIONER

AND

1 The Union of India, Rep.by its Secretary. Ministry of Chemicals & Fertilisers (Dept., of Chemicals & Petro Chemicals) New Delhi.
(Disd for default as per Court order dt. 23-8-2000 as against R1).
2 Molasses Controller-cum-Commissioner of Excise,
Government of A.P., Gagan Vihar, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, declaring that the petitioner is entitled to Store, sell and Transport the Molasses from the factory of the petitioner without any restrictions on such storage, sale or Transport.

Counsel for the Petitioner: MR.A.PANDURANGA RAO

Counsel for the Respondent No.1: MR.RAMAKRISHNA RAO SIDDANATHI (SC FOR CG)

Counsel for the Respondent No.2: --

The Court made the following :

ORDER:

It is represented by the learned counsel for the petitioner that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
>
> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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N.V. RAMANA, J

Date: 25-03-2005

Svv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Twenty Fifth day of March, Two thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Ministry of Chemicals & Fertilisers
(Dept., of Chemicals & Petro Chemicals), New Delhi.
2 Molasses Controller-cum-Commissioner of Excise,
Government of A.P., Gagan Vihar, Nampally, Hyderabad.

3 Two Ccs. to the Government Pleader for Prohibition and Excise, High Court of A.P., Hyderabad (OUT).

4 Two CD copies

Enclosed along with copy of judgment dated 08-05-2001 made in W.A. No.2209 of 1998.

*Form-NIC-OGS/WP{**KKG**}*